



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
QUINN ET AL. : GROUP: 3311
SERIAL NO: 08/420,503 :
FILED: APRIL 12, 1995 : EXAMINER: NASSER

FOR: THERMODILUTION CATHETER
HAVING A SAFE, FLEXIBLE
HEATING ELEMENT

REQUEST FOR EXPEDITED PROSECUTION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

The examiner is respectfully reminded that 37 CFR 1.607(b) provides in relevant part that:

When an applicant seeks an interference with a patent, examination of the application... shall be conducted with special dispatch within the Patent and Trademark Office.

Respectfully submitted,

Charles L. Gholz
Registration No. 26,395
Attorney of Record
OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 413-3000

Of Counsel:

Richard A. Neifeld, Esq.
Registration No. 35,299
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 413-3000

I:\RAN\clients\BAXTER\45440011\45440011.REP1.wpd
ml/dmd



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :
QUINN ET AL. : GROUP: 3311
SERIAL NO: 08/420,503 :
FILED: APRIL 12, 1995 : EXAMINER: NASSER
FOR: THERMODILUTION CATHETER
HAVING A SAFE, FLEXIBLE
HEATING ELEMENT

UPDATED 37 CFR 1.607 REQUEST
FOR AN INTERFERENCE WITH TWO PATENTS

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

I. 37 CFR 1.607(a)(1)

The first patent is No. 5,435,308, issued to Gallup et al. on July 25, 1995, entitled "MULTI-PURPOSE MULTI-PARAMETER CARDIAC CATHETER," and assigned at issue to Abbott Laboratories (hereinafter referred to as "the Gallup et al. '308 patent"). A request for an interference with this patent has previously been filed in this application.

The second patent is No. 5,611,338, issued to Gallup et al. on March 18, 1997 and entitled "MULTI-PURPOSE MULTI-PARAMETER CARDIAC CATHETER," and assigned at issue to Abbott Laboratories (hereinafter referred to as "the Gallup et al. '338 patent").

II. 37 CFR 1.607(a)(2)

Claim 1 or 11 or 16 of the Gallup et al. '308 patent

OR

Claim 1 or 16 or 17 or 18 of the Gallup et al. '338 patent

OR

Claim 45 or 46 or 57 or 58 or 61 of the Quinn et al.
application.

III. 37 CFR 1.607(a)(3)

Claims 1-20 in the Gallup et al. '308 patent and claims
1-18 in the Gallup et al. '338 patent all correspond to the
proposed count.

IV. 37 CFR 1.607(a)(4)

Claims 45-63 in the Quinn et al. application correspond
to the proposed count.

Claims 1, 11, and 16 in the Gallup et al. '308 patent and
claims 1, 16, 17, and 18 in the Gallup et al. '338 patent each
corresponds identically to a portion of the proposed count.
While claims 2-10, 12-15, and 17-20 in the Gallup et al. '308
patent and claims 2-15 in the Gallup et al. '338 patent do not
correspond identically to any portion of the proposed count,
each of those claims depends from a claim which does
correspond identically to a portion of the proposed count, and
none of those claims adds any limitation which would cause it

to define a separate patentable invention within the meaning of 37 CFR 1.601(n).

Claims 45, 46, 57, 58, and 61 in the Quinn et al. application each corresponds identically to a portion of the proposed count. While claims 47-56, 59, 60, 62, and 63 do not correspond identically to any portion of the proposed count, each of those claims depends from a claim which corresponds identically to a portion of the proposed count, and the applicants do not currently contend that any of those claims contains an additional limitation which would cause it to define a separate patentable invention within the meaning of 37 CFR 1.601(n).

The examiners attention is directed to the teachings at column 2 lines 8-27 of United States patent No. 5,464,398 to Haindle of reducing the cross-section of a lumen to maintain space for other lumens.

The examiner's attention is also directed to the teachings at column 6 line 62 to column 7 line 2 in United States patent No. 5,450,466 to Kadowaki et al. as evidence that it is old in the arts to provide helical shoulders (the guide grooves 32b shown in Figs. 9 and 18 are helical shoulders) for windings on necked down portions.

V. 37 CFR 1.607(a)(5)

Claims 45-63 may be applied to applicants' disclosure as follows:

45. A multi-lumen, multi-purpose cardiac catheter comprising:

Passim.

(a) a multi-lumen main body portion;

The flexible catheter body portion 100.

(b) a plurality of extension tubes, each one of said plurality of extension tubes being connected to a respective lumen of said multi-lumen main body portion; and

Page 16 line 35 - page 17 line 4.

(c) an interface connecting said multi-lumen main body portion and said plurality of extension tubes,

The catheter body junction 106.

wherein:

(d) said multi-lumen main body portion comprises:

See the following paragraphs.

(i) at least one lumen for holding and supporting fiber optic filaments;

Page 24 line 36 - page 25 line 1.

(ii) at least one lumen for receiving thermal element connectors;

See Figure 1 and page 16 line 35 - page 17 line 4. The heater extension tube is received in one of the lumens.

(iii) at least one lumen for receiving a device for temperature measurement;

See Figure 1 and page 16 line 35 - page 17 line 4. The thermistor or thermocouple extension tube is received in one of the lumens.

(iv) at least one lumen associated with a balloon mounted at the distal end of said multi-lumen main body portion for assisting in placement of said multi-lumen main body portion in a patient; and

(v) a port defined by surfaces of one of the lumens of said multi-lumen main body portion, said port for injecting a fluid into a blood stream of a patient; and

(vi) a fiber optic apparatus including said fiber optic filaments, said fiber optic filaments disposed in said at least one lumen for holding and supporting said fiber optic filaments, and said fiber optic filaments extending from inside said multi-lumen main body portion to a fiber optic coupler associated with the catheter;

(vii) a necked-down near the distal end of said multi-lumen main body portion;

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

See Figure 1 and page 16 line 35 - page 17 line 4. The balloon inflation extension tube is received in one of the lumens.

Page 16 line 35 to page 17 line 2 and page 24 lines 34-36 disclose a proximal injectate lumen and proximal fluid infusion. Page 18 lines 18-23 disclose the injectate port 402 shown in Figure 4(a). Page 22 lines 7-12 disclose a proximal fluid infusion port.

Page 24 line 36 - page 25 line 1 and page 25 lines 9-16.

Figure 4b shows the necked-down portion of the multilumen main body portion. The necked-down portion is discussed at page 15 lines 8-11 and page 20 lines 20-31.

The thermistor or thermocouple 104.

(f) wiring extends from the temperature measurement apparatus along said multi-lumen main body portion to a housing associated with said multi-lumen main body portion; and

(g) an external thermal element is mounted on said multi-lumen main body portion near the distal end of said multi-lumen main body portion; and

(h) connectors extend from said external thermal element along said multi-lumen main body portion for connection to a thermal element housing at the proximal end of said multi-lumen main body portion, wherein:

(i) said external thermal element and said temperature measurement apparatus are operative with an external apparatus for providing a measurement of continuous cardiac output of a patient;

(j) said fiber optic apparatus is cooperative with said external apparatus for providing a measurement of mixed venous oxygen saturation of blood of the patient; and

(k) said external thermal element is mounted on said necked-down portion.

46. A multi-lumen, multi-purpose cardiac catheter comprising:

See Figure 1 and page 17 line 34 - page 18 line 14.

The heating filament 400.

The heater filament 400 is connected to the heater connector 116.

The cardiac output computer is the external apparatus.

Page 24 line 26 - page 25 line 1.

Figure 4b shows the external thermal element 400 mounted on the necked-down portion.

See claim 45.

(a) a multi-lumen main body portion;

See claim 45.

(b) a plurality of extension tubes, each one of said plurality of extension tubes being connected to a respective lumen of said multi-lumen main body portion; and

See claim 45.

(c) an interface connecting said multi-lumen main body portion and said plurality of extension tubes,

See claim 45.

wherein:

(d) said multi-lumen main body portion comprises:

See claim 45.

(i) at least one lumen for holding and supporting fiber optic filaments;

See claim 45.

(ii) at least one lumen for receiving thermal element connectors;

See claim 45.

(iii) at least one lumen for receiving a device for temperature measurement;

See claim 45.

(iv) at least one lumen associated with a balloon mounted at the distal end of said multi-lumen main body portion for assisting in placement of said multi-lumen main body portion in a patient;

See claim 45.

(v) a fiber optic apparatus including said fiber optic filaments, said fiber optic filaments in said at least one lumen for holding and supporting said

See claim 45.

fiber optic filaments, and said fiber optic filaments extending from inside said multi-lumen main body portion to a fiber optic coupler associated with the catheter; and

(vi) a necked-down portion near the distal end of said multi-lumen main body portion;

See claim 45.

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

See claim 45.

(f) wiring extends from the temperature measurement apparatus along said multi-lumen main body portion to a housing associated with said multi-lumen main body portion;

See claim 45.

(g) an external thermal element is mounted on said multi-lumen main body portion near the distal end of said multi-lumen main body portion;

See claim 45.

(h) connectors extend from said external thermal element along said multi-lumen main body portion for connection to a thermal element housing at the proximal end of said multi-lumen main body portion;

See claim 45.

(i) said external thermal element and said temperature measurement apparatus are operative with an external apparatus for providing a measurement of continuous cardiac output of a patient;

See claim 45.

(j) said fiber optic apparatus is cooperative with said external apparatus for providing a measurement of mixed venous oxygen saturation of blood of the patient; and

See claim 45.

(k) said external thermal element is mounted on said necked-down portion.

See claim 45.

47. The multi-lumen, multi-purpose cardiac catheter of claim 46, wherein said necked-down portion is approximately 14-15 centimeters from the distal end of said multi-lumen main body portion.

Page 18 lines 22-26 and page 22 lines 3-7.

48. The multi-lumen, multi-purpose cardiac catheter of claim 46 wherein said external thermal element comprises a heater coil wound about said necked-down portion.

Page 18 lines 15-29.

49. The multi-lumen, multi-purpose cardiac catheter of claim 48, wherein said temperature measurement apparatus comprises a thermistor which is distal said heater coil.

Page 16 lines 21-24 and Figure 4(a).

50. The multi-lumen, multi-purpose cardiac catheter of claim 48, wherein said heater coil comprises windings pitched at a center-to-center spacing sufficient to separate adjacent coils from one another.

See Figure 4(b) and page 18 lines 18-20.

51. The multi-lumen, multi-purpose cardiac catheter of claim 48, wherein said heater coil is

Page 18 lines 26-29.

surrounded by a thin outer sheath to prevent said external thermal element from directly contacting the patient's blood.

52. The multi-lumen, multi-purpose cardiac catheter of claim 51, wherein an outer sheath diameter of said thin outer sheath approximates an outer main body portion diameter of said multi-lumen main body portion, thereby facilitating a smooth insertion of said multi-lumen main body portion into the body of the patient.

See Figure 4(b) and page 20 lines 20-31.

53. The multi-lumen, multi-purpose cardiac catheter of claim 45, wherein:

See claim 45.

(a) said port is distal said interface and

Page 16 line 37 - page 17 line 1, page 18 lines 22-24, page 22 lines 7-12, and page 24 lines 34-35.

(b) said lumen having the surfaces defining said port is an injectate lumen and said injectate lumen and said port enable injection of an injectate fluid into the blood stream of the patient.

Page 24 lines 34-35 and page 22 line 9.

54. The multi-lumen, multi-purpose cardiac catheter of claim 45, wherein said external thermal element comprises a thin film member spirally wound about said multi-lumen main body portion at approximately fourteen centimeters from the distal end of said multi-lumen main body portion.

Page 18 lines 15-29.

55. The multi-lumen, multi-purpose cardiac catheter of claim 45, wherein:

(a) said external thermal element comprises a heating filament printed on a substrate and

(b) said substrate is a thin material that is capable of being incorporated into a filament material that is flexible and has the ability to bond with an adhesive.

56. The multi-lumen, multi-purpose cardiac catheter of claim 45, wherein said external thermal element comprises a layer of material with high thermal conductivity for providing temperature uniformity on a surface of said external thermal element.

57. A multi-lumen, multi-purpose cardiac catheter comprising:

(a) a multi-lumen main body portion;

(b) a plurality of extension tubes, each one of said plurality of extension tubes being connected to a respective lumen of said multi-lumen main body portion; and

(c) an interface connecting said multi-lumen main body portion and said plurality of extension tubes,

See claim 45.

Page 18 lines 30-31.

Page 18 lines 31-34.

Page 18 line 37 - page 19 line 1.

Passim.

The flexible catheter body portion 100.

Page 16 line 35 - page 17 line 4.

The catheter body junction 106.

wherein:

(d) said multi-lumen main body portion comprises:

(i) at least one lumen for holding and supporting fiber optic filaments;

(ii) at least one lumen for receiving thermal element connectors;

(iii) at least one lumen for receiving a device for temperature measurement;

(iv) at least one lumen associated with a balloon mounted at the distal end of said multi-lumen main body portion for assisting in placement of said multi-lumen main body portion in a patient;

(v) a first port defined by surfaces of one of the lumens of said multi-lumen main body portion, said first port for injecting a fluid into a blood stream of a patient;

(vi) a fiber optic apparatus including said fiber optic filaments, said fiber optic filaments disposed in said at least one lumen for holding and supporting said fiber optic filaments, and said fiber optic filaments extending from inside said multi-lumen

See the following paragraphs.

Page 24 line 36 - page 25 line 1.

See Figure 1 and page 16 line 35 - page 17 line 4. The heater extension tube is received in one of the lumens.

See Figure 1 and page 16 line 35 - page 17 line 4. The thermistor or thermocouple extension tube is received in one of the lumens.

The balloon inflation extension tube is received in one of the lumens. See Figure 1 and page 16 line 35 - page 17 line 4.

See claims 45 and 53.

Page 24 line 36 - page 25 line 1.

main body portion to a fiber optic coupler associated with the catheter;

(vii) a second port defined by surfaces of one of the lumens of said multi-lumen main body portion, said second port being adapted for injecting a fluid into a blood stream of the patient;

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

(f) wiring extends from the temperature measurement apparatus along said multi-lumen main body portion to a housing associated with said multi-lumen main body portion;

(g) a necked-down portion of said multi-lumen main body portion is near the distal end of said multi-lumen main body portion;

(h) an external thermal element is mounted on said necked-down portion;

(i) connectors extend from said external thermal element along said multi-lumen main body portion for connection to a thermal element housing at the proximal end of said multi-lumen main body portion;

(j) said external thermal element and said temperature measurement

The thermistor or thermocouple 104.

See Figure 1's thermistor or thermocouple 104.

See Figure 1 and page 17 line 34 - page 18 line 14.

Page 20 lines 20-31 and page 18 lines 22-26.

See Figure 4(b).

The heating filament 400 is connected to the heater connector 116.

The cardiac output computer is the external apparatus.

apparatus are operative with an external apparatus for providing a measurement of continuous cardiac output of a patient; and

(k) said fiber optic apparatus is cooperative with said external apparatus for providing a measurement of mixed venous oxygen saturation of blood of the patient.

58. A multi-lumen, multi-purpose cardiac catheter comprising:

(a) a multi-lumen main body portion;

(b) a plurality of extension tubes, each one of said plurality of extension tubes being connected to a respective lumen of said multi-lumen main body portion; and

(c) an interface connecting said main body portion and said plurality of extension tubes,

wherein:

(d) said multi-lumen main body portion comprises:

(i) at least one lumen for holding and supporting fiber optic filaments;

(ii) at least one lumen for receiving thermal element connectors;

Page 24 line 26 - page 25 line 1.

Passim.

The flexible catheter body portion 100.

Page 16 line 35 - page 17 line 4.

The catheter body junction 106.

See the following paragraphs.

Page 24 line 36 - page 25 line 1.

See Figure 1 and page 16 line 35 - page 17 line 4. The heater extension tube is received in one of the lumens.

(iii) at least one lumen for receiving a device for temperature measurement;

(iv) at least one lumen associated with a balloon mounted at the distal end of said multi-lumen main body portion for assisting in placement of said multi-lumen main body portion in a patient; and

(v) a fiber optic apparatus including said fiber optic filaments, said fiber optic filaments in said at least one lumen for holding and supporting said fiber optic filaments, and said fiber optic filaments extending from inside said multi-lumen main body portion to a fiber optic coupler associated with the catheter;

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

(f) wiring extends from the temperature measurement apparatus along said multi-lumen main body portion to a housing associated with said multi-lumen main body portion;

(g) a necked-down portion of said multi-lumen main body portion is near the distal end of said multi-lumen main body portion;

See Figure 1 and page 16 line 35 - page 17 line 4. The thermistor or thermocouple extension tube is received in one of the lumens.

See Figure 1 and page 16 line 35 - page 17 line 4. The balloon inflation extension tube is received in one of the lumens.

Page 24 line 36 - page 25 line 1.

The thermistor or thermocouple 104.

See Figure 1 and page 17 line 34 - page 18 line 14.

Page 20 lines 20-31 and page 18 lines 22-26.

(h) an external thermal element is mounted on said necked-down portion;

See Figure 4(b).

(i) connectors extend from said external thermal element along said multi-lumen main body portion for connection to a thermal element housing at the proximal end of said multi-lumen main body portion;

The heating filament 400 is connected to the heater connector 116.

(j) at least one lumen of said multi-lumen main body portion comprises an injectate lumen;

Page 16 line 37 - page 17 line 1 and page 24 lines 34-35.

(k) said external thermal element and said temperature measurement apparatus are operative with an external apparatus for providing a measurement of continuous cardiac output of a patient;

The cardiac output computer is the external apparatus.

(l) said fiber optic apparatus is cooperative with said external apparatus for providing a measurement of mixed venous oxygen saturation of blood of the patient; and

Page 24 line 26 - page 25 line 1.

(m) said injectate lumen has surfaces defining a port, said port being positioned along said multi-lumen main body portion such that, when the distal tip of said main body portion is in a pulmonary artery of a patient, said port is in the right ventricle of the heart of the patient.

Page 22 lines 7-12.

See claim 47.

59. The multi-lumen,
multi-purpose cardiac
catheter of claim 47,

wherein said multi-
lumen main body portion
further comprises at least
one injectate lumen for
injecting a fluid into the
blood stream of the patient,
said injectate lumen having
surfaces defining a port.

60. The multi-lumen,
multi-purpose cardiac
catheter of claim 59,
wherein

(a) said port is
distal said interface and

(b) said injectate
lumen and said port enable
injection of an injectate
fluid into the blood stream
of the patient.

61. A multi-lumen,
multi-purpose cardiac
catheter comprising:

(a) a multi-lumen main
body portion;

(b) a plurality of
extension tubes, each one of
said plurality of extension
tubes being connected to a
respective lumen of said
multi-lumen main body
portion; and

(c) an interface
connecting said multi-lumen
main body portion and said
plurality of extension
tubes,

See claims 45 and 53.

See claim 59.

See claims 45 and 53.

See claims 45 and 53.

Passim.

The flexible catheter body
portion 100.

Page 16 line 35 - page 17
line 4.

The catheter body junction
106.

wherein:

(d) said multi-lumen main body portion comprises:

(i) at least one lumen for holding and supporting fiber optic filaments;

(ii) at least one lumen for receiving thermal element connectors and associated with a balloon mounted at the distal end of said multi-lumen main body portion;

(iii) at least one lumen for receiving a device for temperature measurement;

(iv) at least one lumen dedicated to measuring distal catheter pressure; and

(v) a fiber optic apparatus including said fiber optic filaments, said fiber optic filaments disposed in said at least one lumen for holding and supporting said fiber optic filaments, and said fiber optic filaments extending from inside said multi-lumen main body portion to a fiber optic coupler associated with the catheter;

See the following paragraphs.

Page 24 line 36 - page 25 line 1.

See Figure 1 and page 16 line 35 - page 17 line 4. The heater extension tube is received in one of the lumens.

See Figure 1 and page 16 line 35 - page 17 line 4. The balloon inflation extension tube is received in one of the lumens.

Also see page 24 lines 33-35.

See Figure 1 and page 16 line 35 - page 17 line 4. The thermistor or thermocouple extension tube is received in one of the lumens.

See page 16 lines 35-37 and page 24 line 33.

Page 24 line 36 - page 25 line 1 and page 25 lines 9-16.

(e) a temperature measurement apparatus is mounted at the distal end of said multi-lumen main body portion;

The thermistor or thermocouple 104.

(f) wiring extends from the temperature measurement apparatus along said multi-lumen main body portion to a housing associated with said multi-lumen main body portion;

See Figure 1 and page 17 line 34 - page 18 line 14.

(g) an external thermal element is mounted on said multi-lumen main body portion near the distal end of said multi-lumen main body portion;

The heating filament 400.

(h) connectors extend from said external thermal element along said multi-lumen main body portion for connection to a thermal element housing at the proximal end of said multi-lumen main body portion;

The heater filament 400 is connected to the heater connector 116.

(i) said external thermal element and said temperature measurement apparatus are operative with an external apparatus for providing a measurement of continuous cardiac output of a patient;

The cardiac output computer is the external apparatus.

(j) said fiber optic apparatus is cooperative with said external apparatus for providing a measurement of mixed venous oxygen saturation of blood of the patient; and

Page 24 line 26 - page 25 line 1.

(k) said wiring and said fiber optic filaments are disposed in different lumens.

Page 25 lines 10-15.

62. The multi-lumen, multi-purpose cardiac catheter of claim 61, wherein said at least one lumen dedicated to measuring distal catheter pressure comprises surfaces defining a port.

See page 16 lines 35-37, page 22 lines 7-12, and page 24 line 32.

63. The multi-lumen, multi-purpose cardiac catheter of claim 62, wherein said port is for measuring distal catheter pressure.--

See page 16 lines 35-37, page 22 lines 7-12, and page 24 line 32.

VI. 37 CFR 1.607(a)(6)

37 CFR 1.607(a)(6) is inapplicable, since (1) the Gallup et al. '308 patent issued on July 25, 1995 and the first 37 CFR 1.607 request targeting that patent was filed on May 15, 1996 and (2) the Gallup et al. '338 patent issued on March 18, 1997.

VII. 37 CFR 1.608

The applicants' effective filing date is January 29, 1991 and the patentees' filing date is July 16, 1992 for the '308 patent and September 29, 1994 for the '338 patent. Accordingly, the applicants are not submitting any 37 CFR 1.608 declaration(s).

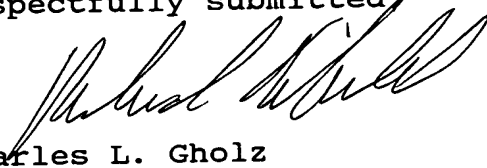
VIII. PTO Form 850

Submitted herewith for the convenience of the examiner is a proposed PTO Form 850.

IX. MPEP 2315.01

The examiner of this application is requested to apprise the examiner of any application claiming priority from either of the applications from which the target patents matured, of the existence of the interfering subject matter. MPEP 2315.01 instructs those examiners to treat the counts of the interference as prior art for related applications, if the related applications are not added to the interference.

Respectfully submitted



Charles L. Gholz
Registration No. 26,395
Attorney of Record
OBLON, SPIVAK, MCCLELLAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 413-3000

Of Counsel:

Richard A. Neifeld, Esq.
Registration No. 35,299
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Crystal Square 5 - Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 413-3000

Bruce M. Canter, Esq.
Registration No. 34,792
Attorney of Record
BAXTER HEALTHCARE CORPORATION
P.O. Box 15219
Irvine, CA 92713-5210
(714) 440-5345

lab

I:\RAN\clients\BAXTER\45440011\45440011.RQ3.wpd

INTERFERENCE-INITIAL MEMORANDUM

EXAMINERS INSTRUCTIONS - This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

(See MPEP 2309.02)

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This is count 1 of 1 count(s)

1. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
QUINN et al.	08/420,503	April 12, 1995	NONE
The claims of this party which correspond to this count are: 45-63		The claims of this party which <u>do not</u> correspond to this count are: 64	

*Accorded benefit of:

COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
UNITED STATES	08/049,231	April 19, 1993	None
UNITED STATES	07/647,578	January 29, 1991	None

2. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
GALLUP et al.	914,279	July 16, 1992	5,435,308
The claims of this party which correspond to this count are: 1-20		The claims of this party which <u>do not</u> correspond to this count are: None	

*Accorded benefit of:

COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
NONE			
3. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
GALLUP et al.	08/315,033	September 29, 1994	5,611,338

The claims of this party which correspond to this count are:
1-18

The claims of this party which do not correspond to this count are:
None

*Accorded benefit of:

COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY
NONE			

If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheet if necessary):

Claim 1 or 11 or 16 of the Gallup et al. '308 patent or Claim 1 or 16 or 17 or 18 of the Gallup et al. '338 patent or Claim 45 or 46 or 57 or 58 or 61 of the Quinn et al. application.

Explanation of why each claim designated as corresponding to the count is directed to the same patentable invention as the count:

Claims 1, 11, and 16 of the Gallup et al. '308 patent, and claims 1, 16, 17, and 18, in the Gallup et al. '338 patent, and claims 45, 46, 57, and 58 and 61 of the Quinn et al. application each corresponds identically to a portion of the proposed count. While claims 2-10, 12-15, and 17-20 in the Gallup et al. '308 patent, claims 2-15 in the Gallup et al. '338 patent, and claims 47-56, 59, 60, 62, and 63 in the Quinn et al. application do not correspond identically to any portion of the proposed count, each of those claims depends from a claim which does correspond identically to a portion of the proposed count, and none of those claims adds any limitations which would cause it to define a separate patentable invention within the meaning of 37 CFR 1.601(n).

*The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application necessary for continuity.

DATE	PRIMARY EXAMINER	TELEPHONE NO.	ART UNIT
NOTE: FORWARD ALL FILES INCLUDING THOSE BENEFIT OF WHICH IS BEING ACCORDED.		GROUP DIRECTOR SIGNATURE (if required)	